

Senate Bill No. 822

CHAPTER 36

An act to amend Section 43.8 of the Civil Code, relating to immunity.

[Approved by Governor July 6, 2007. Filed with Secretary
of State July 6, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 822, Aanestad. Immunity: evaluation of practitioner of healing arts.

Existing law provides immunity from liability to any person whose communications to a hospital, hospital medical staff, veterinary hospital staff, professional society, or any medical, dental, podiatric, or veterinary school, among others, are intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of the healing or veterinary arts. Under existing case law, this immunity is qualified in that the communication must have been intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner.

This bill would extend that immunity to any person whose communications to a psychology school are intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of the healing or veterinary arts. The bill would provide that nothing in these provisions is intended to affect the case law described above.

The people of the State of California do enact as follows:

SECTION 1. Section 43.8 of the Civil Code is amended to read:

43.8. (a) In addition to the privilege afforded by Section 47, there shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any person on account of the communication of information in the possession of that person to any hospital, hospital medical staff, veterinary hospital staff, professional society, medical, dental, podiatric, psychology, or veterinary school, professional licensing board or division, committee or panel of a licensing board, the Senior Assistant Attorney General of the Health Quality Enforcement Section appointed under Section 12529 of the Government Code, peer review committee, quality assurance committees established in compliance with Sections 4070 and 5624 of the Welfare and Institutions Code, or underwriting committee described in Section 43.7 when the communication is intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of the healing or veterinary arts.

(b) The immunities afforded by this section and by Section 43.7 shall not affect the availability of any absolute privilege that may be afforded by Section 47.

(c) Nothing in this section is intended in any way to affect the California Supreme Court's decision in *Hassan v. Mercy American River Hospital* (2003) 31 Cal.4th 709, holding that subdivision (a) provides a qualified privilege.